

**MISSISSIPPI-RIDEAU SOURCE PROTECTION REGION**  
**Box 599, 3889 Rideau Valley Drive**  
**Manotick, Ontario, K4M 1A5**  
**613-692-3571 1-800-267-3504**

**MINUTES**

**Mississippi-Rideau  
Source Protection Committee**

**August 12, 2010**

**#7/10**

**Meeting Location:** North Grenville Municipal Centre  
285 County Road 44, Kemptville, ON

**Present:**

Scott Berquist	Scott Bryce
Carol Dillon	Paul Knowles
Drew Lampman	Patricia Larkin
Randy Malcolm	Peter McLaren
Beverly Millar	Eleanor Renaud
Janet Stavinga (Chair)	
Ken Graham	(Source Protection Authority Liaison)
Mary Wooding	(Ministry of the Environment Liaison)

**Regrets:**

Jean-Guy Albert	(Medical Officer of Health Liaison)
George Braithwaite	Richard Fraser
Christine Leadman	Tammy Rose

**Staff:**

Michelle Paton	Brian Stratton
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**SPA Members:**

Phil Sweetnam	(Mississippi Valley SPA)
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**1.0 Welcome and Introductions**

Chair Stavinga welcomed everyone to the meeting and asked all participants to introduce themselves.

**a) Agenda Review**

Chair Stavinga reviewed the purpose of the meeting and the Agenda.

**b) Notice of Proxies**

None

**c) Adoption of the Agenda**

**Motion 1-07/10**

That the Agenda be approved as presented.

**Carried**

d) **Declarations of Interest**

None

e) **Approval of Minutes**

Carol Dillon identified an error in the draft Minutes. The third paragraph under Motion 7-06/10 should be amended to read "...the delineation of IPZ-2 for our..."

**Motion 2-07/10**

That the minutes of the Mississippi-Rideau Source Protection Committee meeting of June 3, 2010 be approved as amended.

**Carried**

f) **Status of Action Items**

**Motion 3-07/10**

That the Mississippi-Rideau Source Protection Committee receive the Status of Action Items Report for information.

**Carried**

g) **Correspondence**

AECL re: Tritium and invitation to Chalk River facility

Atomic Energy Canada Ltd. has responded to correspondence and extended an invitation to meet with them and tour the Chalk River facility. This one-day site-visit will likely take place in October, 2010.

MOE re: Tritium

The letter from Ian Smith, on behalf of Minister Gerretsen, dated July 19, 2010 does not clearly address the Committee's questions regarding Tritium standards. Chair Stavinga will continue to pursue this issue with the Ministry.

**2.0 Approved Source Protection Plan Regulation**

Mary Wooding advised that the Ministry has begun scheduling regional outreach sessions. The full-day session for Eastern Ontario will take place on October 13, 2010 in Brockville. Additional logistical information will be provided at a later date.

Mary Wooding then presented the Approved Source Protection Plan Regulation (slide deck attached).

The Committee discussed mandatory vs. discretionary policies, monitoring

mechanisms, prescribing instruments, and consultation/notice requirements. Chair Stavinga advised that a Source Protection Planning Advisory Committee comprised of Chairs and Project Managers from each Source Protection Region or Area has been formed to support all Source Protection Committees, as they move forward in the preparation of Source Protection Plans. The intent of the work is not to develop actual policies, but rather, to create and support a network for information sharing and collaboration on local policy development.

### **3.0 Community Outreach**

#### **Motion 4-07/10**

That the Mississippi-Rideau Source Protection Committee receive the Community Outreach staff report for information.

**Carried**

### **4.0 Other Business**

Chair Stavinga advised that Member Richard Fraser had been hospitalized and encouraged Committee Members to sign the circulating card.

Chair Stavinga asked Committee Members to review the Governing Policies, Code of Conduct, and Conflict of Interest Policy, and the current “Meet and Greet” strategy and forward any comments to her.

Chair Stavinga reviewed the current timeline associated with the posting of the Draft Assessment Report. The report is due on September 21, 2010 and the Committee will likely receive a letter advising non-compliance. The Committee will not request an extension and will post the report when completed. Chair Stavinga confirmed that the Source Protection Authorities support the stand taken by the Mississippi-Rideau Source Protection Committee.

Brian Stratton stated that the revisions to the IPZ-3 Vulnerability Scoring methodology are now being challenged by the City of Ottawa. He added that Chapter 6 would be brought to the Committee for review upon completion.

Chair Stavinga advised that the process for securing a Senior Planner has begun. A request for a Senior Planner for a two-year contract position will be posted until September 3, 2010.

Brian Stratton confirmed that staff will work concurrently on the Draft Assessment Report and the Source Protection Plan.

### **4.0 Member Inquiries**

None

## **6.0    Next Meeting**

Date:            September 2, 2010  
Time:            7:00 pm  
Location:       Lanark & District Civitan Club  
                     2144 Pine Grove Road, Lanark  
                     6 pm – public “meet and greet”

## **7.0    Adjournment**

The meeting was adjourned at 8:05 pm.

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**Janet Stavinga**  
**Chair**

.....  
**Michelle Paton**  
**Recording Secretary**



# **DRINKING WATER SOURCE PROTECTION**

**ACT FOR CLEAN WATER**

## **Clean Water Act, 2006 and Source Protection Plans**

### **Regulation Amendments to O. Reg. 287/07**

**Overview to Mississippi-Rideau Source Protection Committee  
August 12, 2010**

# DRINKING WATER SOURCE PROTECTION

ACT FOR CLEAN WATER

## Presentation Outline

- Context
- Source protection plan content – mandatory and optional
- Policy development process
- Range of approaches / tools
- Consultation / notification
- Explanatory document
- Progress reports
- Next Steps

### Source Protection Plan (SPP) Regulation:

- Enables **preparation** of source protection plan; prescribes **content** and **consultation**; enables range of **approaches / tools**.
- Allows **flexibility** to address local circumstances.
- Reflects **EBR** comments and input resulting from a policy paper (summer 2009) and consultations on draft regulation (winter 2010).

### Source Protect Plan Timeline:

- Draft policies completed in 2011; public consultation begins early 2012; submitted to Minister by August 2012.

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**SPP Policies  
(as per Clean  
Water Act)**

## **Mandatory:**

Policies that:

- address activities set out in assessment report that are or would be significant threats
- monitor significant threats
- Achieve Great Lakes targets and monitor their implementation and effectiveness (*only* if targets set and Minister directs SPCs to do so)

If and where advisable – policies that:

- monitor moderate and low threats
- monitor issues

## **Optional:**

Policies that:

- Address conditions that result from past activity
- Address activities set out in assessment report that are or would be moderate or low threats
- Govern incentive programs and education & outreach programs
- **Policies authorized by regulations (next slide)**

Designated policies:

- Identify which Great Lakes policy(ies) are designated



# DRINKING WATER SOURCE PROTECTION

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## Additional Content

*Additional permissible discretionary policies (O. Reg. 287/07 s.26):*

- Policies with respect to drinking water threats / Great Lakes targets:
  - stewardship programs
  - programs that promote best management practices
  - pilot programs
  - research
  - specifying actions to be taken to implement source protection plan or achieve its objectives
- Policies governing incentive and education/outreach programs for drinking water systems not in the terms of reference (i.e. non-municipal, private)
- Climate change data – policies specifying actions to ensure data on climate conditions in area is gathered on an ongoing basis
- Policies that address spill prevention, contingency or response plans along highways, railways, or shipping lanes in intake protection zones or wellhead protection areas

# DRINKING WATER SOURCE PROTECTION

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...con't  
Additional  
Content

...con't *Discretionary content:*

- Transport pathways - policies intended to ensure threats in the vicinity of transport pathway cease to be or will not become significant, **or that the transport pathway ceases to endanger the raw water supply** (*note – after source protection plan approved, future notification requirement by municipality to source protection authority/ source protection committee when person **applies** for proposal that may create new transport pathway*) (O. Reg. 287/07 s.27)
- May include anything that will assist in understanding source protection plan (O. Reg. 287/07 s.29)

*Mandatory content:*

- Must include summary of consultation activities (O. Reg. 287/07 s.28)
- Type, legal effect, person responsible and applicable area for each policy must be clearly identified in source protection plan (O. Reg. 287/07 s.30-34)

# DRINKING WATER SOURCE PROTECTION

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## Policy Development Process

Context: Risk assessments based on intrinsic risk; existing risk management measures not factored in.

Consider pros + cons of various options:

- local knowledge
- SPC expertise
- guidance / catalogue
- municipal approaches

Goal / Outcome

Manage activity?

Prohibit activity?

How? (eg, ABC required to manage threat)

Which way?

- Voluntary basis (eg, education & outreach, incentives)?
- Regulated? (eg, Planning Act-type policies, provincial instrument type-policies, municipal by-laws, risk

Who? (eg, Conservation Authorities, municipality, crown)

How/Who?

- Planning Act-type policies (Clean Water Act requires Official Plan & Zoning by-law conformity following source protection plan approval)
- Prescribed Instruments-type policies (Clean Water Act requires Crown conformity after source protection plan approved)
- S.57 Prohibition –type policies (new power in Clean Water Act s.57)

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## Range of Approaches / Tools

- Act and regulations authorize a spectrum of approaches / tools for committees to address threats to source water:
    - Education and Outreach
    - Incentive Programs
    - Planning Approaches (e.g. Official Plan, Zoning, Site Plan Control)
    - Provincial Instruments
    - Risk Management Plans & Interim Risk Management Plans
    - Prohibition
    - Restricted Land Uses
    - Other (relying on other existing legislative authority previously granted to the implementing body (Municipal Act) or section 38 obligations of Clean Water Act)
- Enabled through regulation**
- Test? Must meet objectives in Section 22(2) and (6) of Clean Water Act – *ceases to be / does not become significant threat (i.e. adequately managed)*

# DRINKING WATER SOURCE PROTECTION

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Tools  
...con't

- *Education and Outreach, Incentives* – permitted in Act, no limits in regulation.
- *Planning Approaches* (e.g. Official Plan, Zoning, Site Plan Control)
  - **Mandatory** Official Plan and Zoning by-law **conformity** provisions in Act;
  - Planning Act type policies may be included in source protection plan, provided threat and desired action **within scope of Planning Act authorities** (e.g. policies may relate to: siting, setbacks; location/density of development related to impervious surfaces; exterior design that focus on sustainable design elements, such as green roof or permeable paving (water quantity threats); brownfields cleanup with Community Improvement Plans).
- *Prescribed Instruments, O. Reg. 287/07 s.1.0.1* (e.g. Permits, Certificates of Approval)
  - **Mandatory** prescribed instrument **conformity** provisions in Act;
  - Prescribed instrument type policies may be included in source protection plan, provided threat and desired action is **within scope of instrument authorities** (e.g. policies may relate to waste, sewage, nutrient management, water takings, etc).



# DRINKING WATER SOURCE PROTECTION

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**Tools ...con't  
Prescribed  
Instruments**

## *MOE Issued Instruments:*

- Certificates of Approval
  - Waste disposal sites (EPA)
  - Waste management systems (EPA)
  - Organic soil conditioning sites (EPA)
  - Sewage works (OWRA)
- Permits to Take Water
- Pesticide Permits
- Drinking Water Works Permit and Licence
- Renewable Energy Approval

## *MNR\* Issued instruments (MTO):*

- Aggregate licences, permits and wayside permits and site plans

## *OMAFRA Issued Instruments*

- Nutrient Management Strategies and Plans
- Non-Agricultural Source Material Plans

*\*Lakes and Rivers Improvement Act approvals not included – no legal authority to amend instrument*

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## Tools ...con't Part IV Authorities

- New authorities ***address gap*** where significant threats cannot be addressed by existing planning tools or regulatory instruments (referred to as Part IV powers)
  - Interim Risk Management Plans (transition / temporary)
  - Risk Management Plans (site specific, negotiated plans, after source protection plan approved) (Clean Water Act s.58)
  - Prohibition (Clean Water Act s.57) (referred to as “S.57 Prohibition”)

# DRINKING WATER SOURCE PROTECTION

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## Tools ...con't Part IV Authorities

- Part IV enabled for any significant threat except **waste disposal/management** and **operation of sewage system** that requires prescribed instrument or is under Building Code (O. Reg. 287/07 s.23)
  - Waste and sewage threats that are significant must still have source protection plan policies:
    - May rely on prescribed instruments or Building Code authorities for existing and future occurrences
    - May rely on Planning Act type policies for future occurrences
- During plan implementation – local landowner/business with Prescribed Instrument may opt out from Risk Management Plan policies only if they provide notice to the Risk Management Official and **a statement from the issuing body that the instrument conforms with the policy** (O. Reg. 287/07 s.61)



# DRINKING WATER SOURCE PROTECTION

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## Tools ...can't Part IV Authorities

- S.57 prohibition enabled differently when applied to:
  - future activities (activities that do not currently exist in area)
  - existing activities (activities that currently exist in area)
- Prohibition\* of existing threats is a tool of last resort – SPC must be of the opinion that prohibition is required / risk management will not be sufficient to ensure a threat ceases to be significant (O. Reg. 287/07 s.24)

\* *prohibition of moderate or low threats (using Planning Act or Prescribed Instrument-type policies) not permissible (O. Reg. 287/07 s.32)*

# DRINKING WATER SOURCE PROTECTION

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## Consultation / Notification

**Early** notification and **information** gathering (O. Reg. 287/07 s.19):

- **Notify** municipalities, chief of bands, and individuals engaged in significant threat activity when committee begins preparation of source protection plan.
- Specify **reasons** for notice (SPC believes person engaging in significant threat activity)
- Request persons engaged in significant threat activity to **indicate** if activity is governed by **prescribed instrument**, describe provisions

**Involve** responsible party before finalizing (**pre-consultation**, O. Reg. 287/07 s.35-39):

- Give **notice** and invite comment from public bodies or person responsible for implementing various policies **prior to finalizing policy** in draft source protection plan (eg, Planning Act and Prescribed Instrument-type policies, education & outreach policies, monitoring, etc.)

# DRINKING WATER SOURCE PROTECTION

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Consultation  
/ Notification  
...con't

Post draft and proposed source protection plan on Internet; notice provisions; public meetings (O. Reg. 287/07 s.41-42):

- Modeled after assessment report posting, notice requirements
- **Notify** municipalities, chief of bands, individuals engaged in significant threat activities, **bodies notified in pre-consultation**
- Specify **reasons** for notice
- For chiefs of bands notice of draft source protection plan, include **offer** to discuss source protection plan
- For proposed source protection plan notice, public and stakeholder comments due in 30 days; source protection authority has **discretion** to provide **longer** period for **municipalities and bands**

# DRINKING WATER SOURCE PROTECTION

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## Explanatory Document

SPC prepares explanatory document; makes it **publicly available** for information purposes (O. Reg. 287/07 s.40):

- Explain policy decisions
- Highlight “prohibition of existing significant threat” decisions
- Summary of how comments received during pre-consultation considered
- Explanation for how climate change considerations summary in assessment report affected policy development
- **Summary of how financial implications for persons or bodies implementing or affected by the source protection plan influenced policy development**
- If education/outreach/incentives or other discretionary policies (O. Reg. 287/07 s.26(1.)) are the only means to address significant threat, statement that SPC is of opinion that policy will meet Act’s objectives and that policy to regulate/prohibit not necessary

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## Progress Reports

- Act requires annual progress reports be prepared by source protection authority and sets out content (describe measures taken to implement source protection plan; results of monitoring; extent to which objectives of source protection plan achieved; other specified in regulation – O. Reg. 287/07 s.52):
  - List and reasons for policies that do not meet timelines included in source protection plan
  - Steps taken to address gaps in information used for assessment report
  - Summary of Risk Management Official report on Risk Management Official / Risk Management Inspector activities
  - Other info source protection authority considers advisable
  - Calendar year reporting; due May 1 of following year
  - 2 year exemption (first report due 2nd calendar year after source protection plan in effect)



# DRINKING WATER SOURCE PROTECTION

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## Next Steps

- Committees and conservation authority staff carrying out activities to prepare for plan development (gathering local knowledge, experience)
- Conservation Ontario advisory committee working to assist SPCs:
  - Source protection plan policy drafting process/framework
  - Establish means to work collaboratively, minimize unnecessary duplication of effort, achieve consistency where necessary
- Ministry topic-based guidance materials (e.g., Notice of Plan Development; Policy Development Process; Various approaches/tools, etc) – beginning summer 2010
- SPC training on regulation – fall 2010

# DRINKING WATER SOURCE PROTECTION

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## Appendix:

- Legal effect of various policies in a source protection plan

← If significant conditions

→ If moderate or low conditions →

## Mandatory Policies:

Policies that:

- address activities set out in assessment report that are or would be significant threats

- monitor significant threats (activities and conditions)

If and where advisable – policies that:

- monitor moderate and low threats (activities and conditions)
- monitor issues

All public bodies must **comply**.  
CWA s.45

## Optional Policies:

Policies that:

- address conditions that result from past activity
- address activities set out in assessment report that are or would be moderate or low threats

- govern incentive programs and education & outreach programs\*

- Policies governing:

- spills prevention, contingency or response plans along highways, railways or shipping lanes in IPZs or WHPAs
- incentives / education / outreach for non-ToR systems
- climate change data collection
- transport pathways

\*Education / outreach / incentive program policies are strategic action except when used as significant threat policy directed at municipality, local board or source protection authority.

Planning Act decisions – must have **regard** to. CWA s.39(1)(b)

Prescribed instruments – must have **regard** to. CWA s.39(7)(b)

Other tools:  
**Strategic action**

→ Municipality, local board or source protection authority – must **comply** with any obligation. CWA s.38

→ Planning Act decisions – must **conform**. CWA s.39(1)(a)

→ Prescribed instruments – must **conform**. CWA s.39(7)(a)

Persons carrying out significant threat activities must **comply** with policies that use part IV powers.